

REMARKS

Initially, in the Office Action dated November 7, 2003, the Examiner objects to claims 4 and 5 under 37 C.F.R. §1.75(c). Claims 1-3 and 6-8 are rejected under 35 U.S.C. §112, second paragraph. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,147,035 (Hartman). Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,795,029 (Campbell et al.). Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Allowable subject matter

Applicant thanks the Examiner for indicating that claim 8 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claim Objections

Claims 4 and 5 have been objected to under 37 C.F.R. §1.175(c). Applicant has amended these claims to further clarify the invention and respectfully request that these objections be withdrawn.

35 U.S.C. 112 Rejections

Claims 1-3 and 6-8 have been rejected under 35 U.S.C. §112, second paragraph. Applicant has amended these claims to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-3, 6 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hartman. Applicant respectfully traverses these rejections.

Hartman discloses an interlocking dimple-hinged door blister package that includes a thermoformed reclosable display package being provided having a bubble body, cover independent of the body, and hinge through which the cover rotatably attaches to the body. An egress opening for packaged items is formed in the body and is coverable by the hinged cover. A sealing device in the form of a projection-depression are formed in side walls of the blister body and cover for purposes of resecuring the cover onto the body. A pair of opening extension apertures may be cut outwardly along opposite borders of the egress opening. These apertures allow for extraction of product items from within the blister body.

Regarding claims 1, 6 and 7, Applicant submits that Hartman does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, a packaging or method for holding an article that includes a plastic member with a protruding part for disposing a first article or first set of articles, a foldable part of the plastic member, the foldable part for holding a second article in a fixed position relative to the first article, or holding the second article in a fixed position relative to the first article by a foldable part of the packaging where parts of the second article are visible while in the fixed position relative to the first article. Hartman merely discloses a package with a body and a cover for closing and opening the package. When the cover is folded down, there is ready access to the articles contained in the

package (see Abstract and col. 3, lines 3-48). This is not a plastic member with a protruding part for disposing a first article and a foldable part of the plastic member for holding a second article in a fixed position relative to the first article, as recited in the claims of the present application. Hartman discloses body 6 as being accessible to articles, but does not disclose or suggest anything related to cover 26 holding an article. Cover 26 is simply a cover for body 6. Further, Hartman does not disclose or suggest a foldable part for holding a second article in a fixed position relative to a first article, as recited in the claims of the present application. Hartman merely discloses a reclosable package that includes a body and a cover.

Regarding claims 2 and 3, Applicant submits that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted regarding this independent claim.

Accordingly, Applicant submits that Hartman does not disclose or suggest the limitations in each of claims 1-3, 6 and 7 of the present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

Claims 1, 2, 6 and 7 have been rejected under 35 U.S.C. §102(b) as being anticipated by Campbell et al. Applicant respectfully traverses these rejections.

Campbell et al. discloses a shoe display and storage device where a transparent container is formed essentially with the shape of a rectangular parallelepiped by a base and a cover which are hingedly attached together and enclose a cavity within which is disposed preformed shapes for receiving and

positioning one or more articles to be displayed and stored. In the preferred embodiment of Campbell et al. the articles to be displayed and stored comprise a pair shoes.

Regarding claims 1, 6 and 7, Applicant submits that Campbell et al. does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, a packaging or method for holding an article that includes a plastic member with a protruding part for disposing a first article or first set of articles, a foldable part of the plastic member, the foldable part for holding a second article in a fixed position relative to the first article, or holding the second article in a fixed position relative to the first article by a foldable part of the packaging where parts of the second article are visible while in the fixed position relative to the first article. Campbell et al. merely discloses a container for holding shoes. Campbell et al. does not disclose or suggest a plastic member for disposing a first article or first set of articles and a foldable part of the plastic member for holding a second article in a fixed position relative to the first article, as disclosed in the claims of the present application. Campbell et al. merely discloses a base and a cover which are hingedly attached together forming a container for holding shoes.

Regarding claim 2, Applicant submits that this claim is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim.

Accordingly, Applicant submits that Campbell et al. does not disclose or suggest the limitations in the combination of each of claims 1, 2, 6 and 7 of the

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present application. Applicant respectfully requests that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-8 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 1030.41308X00).

Respectfully submitted,

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